

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD L. MOSSIER, JR.,	:	CIVIL ACTION NO. 1:08-CV-0510
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
	:	
FEDERAL BUREAU OF PRISONS et al.,	:	
	:	
	:	
Defendants	:	

ORDER

AND NOW, this 16th day of October, 2008, upon consideration of plaintiff's motion to disqualify defense counsel (Doc. 31) based on a conflict of interest between the government and its employees,¹ it is hereby ORDERED that the motion (Doc. 31) is DENIED.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge

¹ The Code of Federal Regulations provides, in pertinent part:

[A] federal employee . . . may be provided representation in civil, criminal and Congressional proceedings in which he is sued, subpoenaed, or charged in his individual capacity, . . . when the action for which representation is requested reasonably appear to have been performed within the scope of the employee's employment and the Attorney General or his designee determines that providing representation would otherwise be in the interest of the United States.

28 C.F.R. § 50.15(a). In the instant case, in accordance with procedures for obtaining representation by a United States Department of Justice attorney, see 28 C.F.R. § 50.15, the individual government defendants submitted written requests for representation. (See Doc. 34 at 4.) On August 4, 2008, the civil division of the Department of Justice notified defendants' present counsel of its determination that it reasonably appears that the events giving rise to this action occurred within the scope of federal employment and authorized representation of defendants by the United States Attorney's Office. (See id. at 4-5.)